

Minutes of the Regular Work Session of the
Board of Mayor and Aldermen, City of Kingsport, Tennessee
Monday, August 2, 2010, 4:30 PM
Council Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips

Alderman Valerie Joh

Vice-Mayor Benjamin K. Mallicote

Alderman Charles K. Marsh, Jr.

Alderman Larry A. Munsey

Alderman Tom C. Parham

(arrived shortly after roll call)

City Administration

John G. Campbell, City Manager

J. Michael Billingsley, City Attorney

James H. Demming, City Recorder

1. **CALL TO ORDER:** 4:30 p.m., by Mayor Phillips.
2. **ROLL CALL:** By City Recorder Demming. Absent: Alderman Shupe.
3. **SESSION TICKLER.** Mayor Phillips had a comment on the story in the Kingsport Times News concerning the school sidewalks. Assistant Public Works Director Michael Thompson explained that due to the workload the project which was originally scheduled for April was pushed out and is now under environmental review. He added that we should have approval from NEPA (National Environmental Protective Agency) within the next two weeks. He noted that construction should start during Christmas break. Mayor Phillips asked if we received a grant today to build a sidewalk at a school what would you anticipate the timeframe to be. Mr. Thompson replied next fall. He noted that the problem is federal not state.
4. **LIFESAVING CREW BUILDING LEASE.** Assistant to the City Manager Chris McCartt explained a request for an amendment to the existing lease for the Lifesaving Crew Building to allow for the construction of a 6,000 square foot addition. The present lease would be amended to a 40 year lease. The Lifesaving Crew would be funding this addition not the City. He added that the addition would allow a majority of their equipment outside to be brought inside the building. He stated that the lease will be prepared and presented along with a resolution for approval at the August 17th BMA meeting. To provide additional parking the City's original fire engine will be relocated. Alderman Munsey asked Fire Chief Craig Dye if he was in favor of this and Chief Dye answered yes. Alderman Munsey questioned if the lease would be \$1.00 per year and City Attorney Mike Billingsley replied yes.
5. **STREET LIGHTING POS UPDATE.** Assistant Public Works Director Michael Thompson presented the street lighting presentation. Mayor Phillips stated the Board's concern - is it the power company or the City that causes the delays in the street light installation when an area is annexed. Public Works Director Ryan McReynolds stated in summary that they work off the plan of services as their goal. Annexations are delayed

Minutes of the Regular Work Session of the Board of Mayor and Aldermen of Kingsport, Tennessee, Monday, August 2, 2010

because we are looking at the five year plan of service. Mr. Thompson stated that delays are not AEP's fault. Mayor Phillips asked if we pay for the lights. Mr. Thompson stated that we do not own lights but we pay a monthly tariff which includes maintenance, electricity, etc. Mr. McReynolds stated that we pay up front for the cost of anything above base minimum. Mr. Thompson added that for anything above the base minimum, such as decorative lights there is an additional cost, then we have to buy into that tariff. He added that if new subdivisions do an upgrade that is more than the City provides the developer pays the upfront cost. Mayor Phillips asked why AEP does not put the lights in before starting construction. Mr. Thompson replied because of vandalism. Mr. McReynolds stated that they have a meeting scheduled with AEP to discuss current issues. Mr. Thompson mentioned that tariffs range from \$5.65 (100W HPS on exist. Pole) to \$91.78 (1000W High Mast Lights) per fixture per month. He also added that the 2009 annual tariff cost for all street lights was approximately \$1.31 million which is a 17% growth over 2004 cost. The available funding currently is \$1.4 million. Mr. Thompson stated that we try to do around \$50,000 of work per year. At the present we are working on 2011 through 2013 and 2014 will be started in 2012 budget. Mr. Thompson explained the new technology for the future which will cost more but will last longer. City Manager Campbell stated that the City is looking at doing some solar installations, just as a demo at this time, but noted that they are high on the front end.

6. STORMWATER COMMITTEE UPDATE. Public Works Director Ryan McReynolds stated that last fall there was a request to the Board that a team of engineers look at how we operate, what we are doing and what we should be doing in the future. Mr. McReynolds added that they put together a Stormwater Action Committee which is made up of representatives from the school system, Eastman, Homebuilders, Homeowners Association, Chamber of Commerce and Holston Valley Medical Center. The committee brought back expectations for the City from the community in regard to stormwater. Mr. McReynolds introduced David Mason and Steve Sedgwick from CDM. Mr. Mason explained that the purpose of this project is to address compliance requirements of current and pending stormwater regulations, understand existing and future stormwater program needs, consider long-term environmental and economic benefits of providing a pro-active stormwater program and study the feasibility of alternative funding mechanisms, including a stormwater utility. He spoke on the impact of stormwater on the City and the current operation and maintenance services now in place. He added that after collecting all their information they wrote an independent evaluation of where they think the City is in the terms of the level of services that are being provided for stormwater and how the City can improve that level of service and at what cost. Mr. Sedgwick spoke on what the City is spending now and what will be spent in the future. Mr. Sedgwick explained that there are several options available to fund a higher level of service. Those options are taxes, other funding such as grants, loans, bonds and utility or user fees. He stated that a stormwater utility fee is based on the amount of impervious area for a property. He explained the levels of services and the cost associated with that service. Alderman Munsey asked what level is mandatory and how much is our choice to do. Mr. Mason replied that not all is required, but this is our estimate. There was further discussion on the levels of service. Both Mr. McReynolds and City Manager Campbell added that this is just an example of the program. Mr. Sedgwick summarized the Findings of the Stormwater Action Committee and questions and discussion

Minutes of the Regular Work Session of the Board of Mayor and Aldermen of Kingsport, Tennessee, Monday, August 2, 2010

followed. Mayor Phillips stated if it is a mandate that we have to supply this service we have to find a way to raise the money to do it or it will come out of the General Fund. City Manager Campbell replied we have a unique opportunity that none of neighbors have in that we can control the quality of these waters as well as flooding more cost effective if we get control of the land of these basins. He added that we have benefited greatly since we have the Greenbelt. The more natural ground that we get control of the better shape we will be in. He stated that it does not have to be that expensive if we get control of basins now. Mr. McReynolds suggested they come back at another work session in the future for further discussion and a proposal of a program.

7. FUEL REPORT UPDATE. City Manager John Campbell gave an overview of the Fleet Fuel Report in the absence of Steve Hightower. Mayor Phillips asked if the Board said we have to cut fuel consumption by 10% what would we be looking at. City Manager Campbell replied that it would be very difficult, that mass transit and trash pickups are heavy users every day. He added that we could do certain things like parking police cars for 15 minutes out of every hour, but the citizens' complaint would be that we are not patrolling the neighborhoods. The way to save would be through more efficient vehicles. In response to Mayor Phillips question about this being done without curtailing services, City Manager Campbell replied it would be difficult to go to 10% unless you curtail services. Mayor Phillips asked of the amount of fuel used could it be broken down by the amount school, police, fire, etc. uses. Assistant to the City Manager Chris McCartt stated that information is available.

8. REVIEW OF AGENDA ITEMS ON AUGUST 3, 2010 REGULAR BUSINESS AGENDA. City Manager Campbell, members of staff and community members provided a summary or presentation for each item on the proposed agenda. Those items the Board discussed at greater length or which received specific questions or concerns included:

VI.AA.1 Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the Diana Road Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 249-2010) Planner Ken Weems gave a presentation of the Diana Road annexation. He noted that during the Planning Commission Meeting only three property owners had an objection to the annexation. Alderman Munsey asked of those requesting annexation what drove their request. Mr. Weems replied that the primary reason is the schools and also the benefits of being in the City. Mr. Rod Monroe of 1912 Diana Road noted they have asked for some time to be in the City and thinks it is a good opportunity for everyone. He added that they look forward to coming into the City. Alderman Joh stated that she hopes at some point to take in people on other side because of kids in the neighborhood going to different schools. Mayor Phillips asked Mr. Weems to look at costs associated with bringing others in.

VI.B.2 Consideration of Ordinance to Expand the Urban Growth Boundary Adjoining the Present Urban Growth Boundary of the City of Kingsport (AF: 267-2010) City Manager Campbell explained that this was an annexation of five acres which comes under the new Urban Growth Boundary law. This request comes under the guidance that adjoining property is less than ten acres and owned by same persons. Alderman Marsh

Minutes of the Regular Work Session of the Board of Mayor and Aldermen of Kingsport, Tennessee, Monday, August 2, 2010

expressed concern that there could be problems providing sewer due to property being on a ridge. Planner Ken Weems responded that these properties are already being served by the sewer.

VI.D.1 Consideration of a Resolution Amending the Contract with Lyons Construction Services, Inc. for 2009 Street Resurfacing and Restoration Program Contract 1 (Center St., Eastman Rd. and Clinchfield St.) and Authorizing the Mayor to Sign All Applicable Documents (AF: 250-2010) Alderman Marsh commented that we need to look at our policy regarding street improvements. We need to think about using concrete instead of asphalt on reconstructions. He noted benefits of using concrete are that it is long term and low maintenance.

VI.D.4 Consideration of a Resolution Authorizing the Mayor to Sign all Applicable Documents to Enter into an Agreement with Southeastern Security Consultants, Inc. (SSCI) to Provide Background Checks for Parks and Recreation Youth Coaches (AF: 259-2010) Assistant to the City Manager Chris McCartt explained that at the present time background checks are not being done on volunteer youth coaches. We have worked with the Athletic Advisory Board about our options and worked closely with the Legal Department to make sure the letter we put in place is confidential. SSCI provided us with a comprehensive, secure and affordable process for us to do this. He stated that they would like to implement this with the basketball league starting next month.

VI.D.6 Consideration of Resolutions Authorizing KEDB to Negotiate and Accept Payment in Lieu of Taxes for the Press Group and Mountain Region Properties Projects (AF: 263-2010) Alderman Munsey voiced concern that when we accommodate people we do not get some type of performance guarantee that the property will not sit there for another five years. Attorney Mike Billingsley responded that we do have a performance guarantee in the contract. Alderman Marsh asked when Press Street will be reopened. City Manager Campbell replied that it probably would not open until Food City opens.

VI.D.9 Consideration of Resolution Approving the Utilization of Shared Project Saving for Additional Wastewater Plant Improvements (AF: 269-2010) Public Works Director Ryan McReynolds stated that our goal in all of the waste water plants and pump stations is zero violations and in 2010 we reached that goal. The project for the improvements at the wastewater treatment plant came in \$2 million below the price of the original contract. He added that was the best \$20 million dollars spent. He is now asking that the pulled items from the original contract be brought back in. City Manager Campbell added that everything on the list that was pulled out earlier will have to be done in the next three years.

VI.D.10 Consideration of a Resolution Authorizing the Mayor to Enter into a Contract with Motorola for the Design and Installation of the Motorola ACE 3600 Telemetry System on 45 Sewer Lift Stations and Sign all Applicable Documents (AF: 270-2010) Public Works Director Ryan McReynolds stated they need to drive down violations at our lift stations. We are requesting the installation of 44 telemetry units on the

Minutes of the Regular Work Session of the Board of Mayor and Aldermen of Kingsport, Tennessee, Monday, August 2, 2010

existing Motorola 800 MHZ Radio System. This installation will allow us to respond before an overflow when something goes wrong at the lift station.

VI.D.12 Consideration of a Resolution Amending the Professional Services Agreement with Mattern & Craig for Construction Engineering Inspection (CEI) Related to ARRA Funded 2009 Street the Resurfacing and Restoration Program Contract 1 (Center St., Eastman Rd. and Clinchfield St.) and Authorize the Mayor to Sign all Applicable Documents (AF: 260-2010) Alderman Marsh asked why is the contractor not responsible for this. Public Works Director Ryan McReynolds responded that we did hit them with liquidated damages. Alderman Marsh asked if we would be getting this back. Mr. McReynolds said he was not sure if it would be dollar for dollar. Assistant Public Works Director Michael Thompson stated it would not be dollar to dollar, but the contractor paid back approximately \$15,500 in damages, rather that is what we held back from them.

VI.D.13 Consideration of a Resolution Authorizing the Rejection of All Bids Received for Roof Renovation at the Renaissance Center and Lynn View Community Center (AF: 268-2010) Mayor Phillips asked how did we miss the estimate on the roofing so much. Purchasing Director Sandy Crawford stated it was covered with potential bidders in the pre-meetings that no substitutes would be allowed, but LaFerney chose to offer an alternate product. LaFerney said the product they bid suits the purpose, but it is not the same tier of quality that the roofing material was in the bid specification. If we accept this bid we are not in compliance with the bid document requirements. That is why this is the process we need to go through. Alderman Marsh said we were misled and the Mayor agreed.

VI.D.14 Consideration of a Resolution Authorizing the Mayor to Sign an Amendment to the Agreement with Spoden & Wilson Consulting Engineers for Engineering Services for the Continuation of Our Greenbelt Project (AF: 275-2010) Alderman Marsh asked if it would be a gravel path. Alderman Parham responded that it would be too steep, similar to the path at the Exchange Place, therefore for safety reasons it would not be paved but made of small gravel.

VI.D.15 Consideration of a Resolution to Authorize the Mayor to Sign all Documents Necessary to Apply for and Receive the Local Parks and Recreation Fund (LPRF) Grant Administered by the Tennessee Department of Environment and Conservation for Lighting the Lynn Garden Community Center's Athletic Football Field (AF: 277-2010) City Manager Campbell stated that we are suggesting we apply for a \$200,000 grant. He added that we are required to do a 50/50 match. He noted we have approximately 350,000 for the Lynn View project.

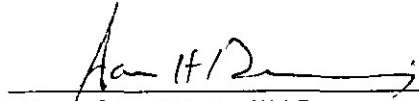
BOARD COMMENT.

Alderman Parham suggested that we invite Dr. Janice Gillen to a future work session to give an update on the Academic Village.

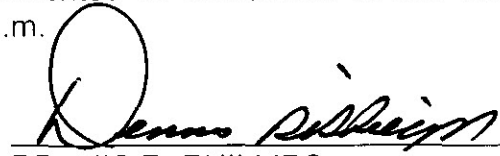
**Minutes of the Regular Work Session of the Board of Mayor and Aldermen of
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PUBLIC COMMENT. None

9. ADJOURN. Seeing no other matters presented for discussion at this work session, Mayor Phillips adjourned the meeting at 7:00 p.m.



JAMES H. DEMMING
City Recorder



DENNIS R. PHILLIPS
Mayor